



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USPA ACCESSORIES LLC D/B/A
CONCEPT ONE,**

Plaintiff,

-v-

**MAINLAND HEADWEAR HOLDINGS,
LTD.**

Defendants.

Case No. 08 CV 02155 (RJS)

*Amended ORDER

RICHARD J. SULLIVAN, District Judge:

At the conference before the Court held on June 13, 2008, this Case Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to trial by Magistrate Judge, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosure pursuant to Rules 26(a)(1), Fed. R. Civ. P., will be completed not later than June 13, 2008.
6. All *fact* discovery is to be completed no later than December 13, 2008.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 6 above:
 - a. Initial requests for production of documents to be served by July 2, 2008.
 - b. Interrogatories to be served by July 2, 2008.
 - c. Depositions to be completed by December 13, 2008.

- i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
 - d. Requests to Admit to be served no later than January 13, 2009.
8. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by:
- a. Expert(s) of Plaintiff(s) February 13, 2009.
 - b. Expert(s) of Defendant(s) February 13, 2009.
- All discovery is to be completed no later than March 13, 2009.
9. Motions: All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements. Summary Judgment or other dispositive motions are due at the close of discovery. Pursuant to the undersigned's Individual Practices, the parties shall request a pre-motion conference in writing by March 20, 2009*; Responses by March 25, 2009*.
10. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery.
11.
 - a. Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge.
 - b. The parties do not request a settlement conference before a United States Magistrate Judge.
12.
 - a. Counsel for the parties have discussed the use of the Court's Mediation Program.
 - b. The parties request that the case be referred to the Court's Mediation Program. Initial mediation session should be held by the end of September, 2009.
13.
 - a. Counsel for the parties have discussed the use of a privately-retained mediator.

14. Parties have conferred and their present best estimate of the length of trial is

Two weeks.

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TO BE COMPLETED BY THE COURT:

15. Amended complaint to be filed by June 27, 2008. The parties shall submit a joint letter indicating their intention with respect to consolidating or dismissing related action 08 cv 2155.

16. The post-discovery status conference is scheduled for April 6, 2009 at 9:30am.

SO ORDERED.

DATED: New York, New York
June 30 2008



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE